

L. Harmon

## A BILL

### FOR AN ACT REGULATING THE TRIAL BY JURY IN CIVIL CASES IN COURTS OF RECORD.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* The judge of each  
2 court of record shall call the civil cases on the docket of such court on the afternoon of the  
3 second day of any term when a jury has been summoned, or prior thereto, if so provided by  
4 rules of such court, and on such call each party to an action pending in said court, shall be  
5 required to demand or waive a trial by jury, and such demand or waiver shall be entered of  
6 record: *provided,* that causes in which a demurrer or motion suspending further pleading  
7 until decided, has been filed, shall be passed until such demurrer or motion has been decided,  
8 and such cause shall be called for the purpose of demanding or waiving a trial by jury as  
9 soon as the issues therein are made.

SEC. 2. If both parties waive a trial by jury, such waiver shall be entered of record, and  
2 the cause shall be tried to the court.

SEC. 3. If either party demand a trial by jury, such party shall forthwith pay to the clerk  
2 of the court the jury fee now required to be paid by the unsuccessful party, and shall receive  
3 credit therefor; and if successful on the trial of the cause, shall have judgment for the sum  
4 so paid as part of the costs in such case.

SEC. 4. If the party demanding a jury shall refuse or neglect to pay the jury fee, as pro-  
2 vided in the preceding section, by the morning of the succeeding day after such demand is  
3 made, or before, if the cause is sooner reached for trial, the court, or clerk thereof, shall make  
4 a record of such fact on the docket, and such refusal or neglect shall be regarded as a waiver  
5 of trial by jury, and the cause shall be tried by the court.

SEC. 5. In the discretion of the court, subsequent calls of the docket may be had for the  
2 purpose of determining whether a trial by jury is desired in cases which have been passed  
3 for reasons other than those mentioned in section 1 of this act.

SEC. 6. The provisions of this act shall not apply to matters on the probate docket, nor  
2 to equity cases triable by the court, nor cases continued by stipulation or consent.

SEC. 7. In cases of intervention, the intervener shall be required to demand or waive a  
2 jury trial when the issues raised by such intervention are made up, and the principal parties  
3 to such action shall at the same time demand or waive a trial by jury of the issues made by  
4 such intervention.

SEC. 8. If any person, duly served with notice of the pendency of an action, fails to ap-  
2 pear and plead or procure extension of time therefor, or, having so appeared, neglects to at-  
3 tend in person or by attorney at the first call of the docket as provided herein, such failure to  
4 appear or neglect to attend the call of the docket shall be regarded as a waiver by said de-  
5 fendant of trial by jury, and unless the plaintiff then demands, the cause shall be tried by the  
6 court.

SEC. 9. Causes in which juries have been demanded, and the jury fee paid, shall be tried  
2 before those cases in which a jury has been waived, and where the cases to be tried by juries  
3 have been disposed of, the juries shall be immediately discharged, unless retained for the trial  
4 of criminal cases: *provided*, that criminal trials shall, as far as practicable, be disposed of be-  
5 fore commencing the trial of civil causes.

SEC. 10. All acts or parts of acts inconsistent herewith are hereby repealed.